



3-26-01

DAC
#18

PATENT
Docket No. 400-009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ANDREA F. BELL) Group Art Unit: 3728
Entitled: UTILITY APRON) Examiner: J. Foster
Filed: July 28, 1997)
Serial No. 08/901,713)

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MAR 27 2001

OFFICE OF PETITIONS

Attention: Office of Petitions
BOX DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Applicant hereby petitions under 37 C.F.R. § 1.137(b) to revive the captioned patent application. The application became abandoned on August 4, 2000 (November 4, 2000 with extensions) for failure to file a timely reply to the Office Action mailed on May 4, 2000, which sets a three month period for reply.

Petition Fee

Applicant has enclosed a check for \$ 620.00 to cover the petition fee.

Reply and Fee

The Office Action which led to the unintentional abandonment of the application was final. Accordingly, Applicant has attached and is filing concurrently with this Petition a Continued Prosecution Application, together with

a check for \$ 454.00 to cover the filing fee.

Applicant also has attached and is filing concurrently with this Petition a Response to Office Action No. 4 with attached Declaration of George Millican, Jr.

Statement of Unintentional Abandonment

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

The Petition is being filed twenty-three days more than three months from the date of the Notice of Abandonment (November 30, 2000). The cause of the delay in filing this Petition is as follows. Applicant intended to respond to the final Office Action in part by submitting declarations of individuals having substantial knowledge and experience in the relevant fields to which the claimed invention pertains. Applicant experienced some logistical difficulty in obtaining these declarations, in part because the declarants are not employees or affiliates of Applicant. Moreover, during the course of attempting to obtain the declarations, responsibility for handling this matter was shifted from one attorney to another within the law firm handling the case. This inadvertently resulted in a failure to timely follow up on these matters, including not only securing the declarations but also in filing this Petition.


It has been Applicant's intention to continue prosecution of the application, and at no time was it Applicant's intention to abandon this application.

If there are any other fees due in connection with the filing of this Petition or otherwise relating to this application, please charge the fees to our Deposit Account

No. 501324.

Respectfully submitted,

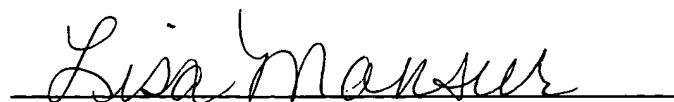
Dated: March 23, 2001


Stephen T. Sullivan
Reg. No. 32,444

Express Mail Label No. EL718168867US

Date of Deposit March 23, 2001

I hereby certify that this Petition to Revive is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed Attention: Office of Petitions, Assistant Commissioner for Patents, BOX DAC, Washington, D.C. 20231.



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